



City Council Meeting Amended Agenda

Tuesday, April 21, 2020

SAM LICCARDO, MAYOR
CHAPPIE JONES, VICE MAYOR, DISTRICT 1
SERGIO JIMENEZ, DISTRICT 2
RAUL PERALEZ, DISTRICT 3
LAN DIEP, DISTRICT 4
MAGDALENA CARRASCO, DISTRICT 5
DEV DAVIS, DISTRICT 6
MAYA ESPARZA, DISTRICT 7
SYLVIA ARENAS, DISTRICT 8
PAM FOLEY, DISTRICT 9
JOHNNY KHAMIS, DISTRICT 10



The City of San José is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public.

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support** - The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Public Safety** - Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.
- **Transportation & Aviation Services** - A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- **Environmental and Utility Services** - Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Neighborhood Services** - Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Community & Economic Development** - Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.

You may speak to the City Council about any discussion item that is on the agenda, and you may also speak during Open Forum on items that are not on the agenda and are within the subject matter jurisdiction of the City Council or Successor Agency to the Redevelopment Agency Board. If you wish to speak to the City Council, please refer to the following guidelines:

- o **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- o When the Council reaches your item on the agenda, the Mayor will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.

- o Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- o To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and Tuesday at 6 p.m. as needed, unless otherwise noted. The City Council, or less than a quorum, may adjourn any regular, special or adjourned meeting to a later date, time and place specified in the order of adjournment. If all members are absent, the City Clerk may declare the meeting adjourned to a stated date, time and place. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas, Staff Reports and some associated documents for City Council items may be viewed on the Internet at <https://www.sanjose.legistar.com/Calendar.aspx>. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Tower 14th Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body. Any draft contracts, ordinances and resolutions posted on the Internet site or distributed in advance of the Council meeting may not be the final documents approved by the City Council. Contact the Office of the City Clerk at (408) 535-1260 or CityClerk@sanjoseca.gov for the final document.

American Disability Act: To request an alternative format agenda under the Americans with Disabilities Act for City-sponsored meetings, events or printer materials, please call (408) 535-1260 as soon as possible, but at least three business days before the meeting.

Accommodations: Any member of the public who needs accommodations should email the ADA Coordinator at ADA@sanjoseca.gov or by calling (408) 535-8430. The ADA Coordinator will use their best efforts to provide reasonable accommodations to provide as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

On occasion the City Council may consider agenda items out of order.

*** COVID-19 NOTICE ***

Consistent with the California Governor's Executive Order No. N-29-20, Resolution No. 79450 from the City of San José and the Santa Clara County Health Officer's March 16, 2020 Shelter in Place Order, the City Council meeting will not be physically open to the public and the City Council will be teleconferencing from remote locations.

How to observe the Meeting (no public comment):

- 1) Cable Channel 26,
- 2) <https://www.sanjoseca.gov/news-stories/watch-a-meeting>, or
- 3) <https://www.youtube.com/CityofSanJoseCalifornia>

How to submit written Public Comment before the City Council Meeting:

- 1) Use the eComment tab located on the City Council Agenda page. eComments are also directly sent to the ilegislare application used by City Council and staff.
- 2) By email to city.clerk@sanjoseca.gov by 12:00 p.m. the day of the meeting. Those emails will be attached to the Council Item under "Letters from the Public." Please identify the Agenda Item Number in the subject line of your email.

How to submit written Public Comment during the City Council Meeting:

- 1) Use the eComment tab located on the City Council Agenda page. eComments are also directly sent to the iLegislare application used by City Council and staff.
- 2) Email during the meeting to councilmeeting@sanjoseca.gov, identifying the Agenda Item Number in the email subject line. Comments received will be included as a part of the meeting record but will not be read aloud during the meeting.

How to provide spoken Public Comment during the City Council Meeting:

- 1) By phone (888) 475-4499. Meeting ID: 322 652 101. Click *9 to raise a hand to speak.
- 2) By online: <https://sanjoseca.zoom.us/j/322652101>
 - a. Use a current, up-to-date browser: Chrome 30+, Firefox 27+, Microsoft Edge 12+, Safari 7+. Certain functionality may be disabled in older browsers including Internet Explorer. Mute all other audio before speaking. Using multiple devices can cause an audio feedback.
 - b. Enter an email address and name. The name will be visible online and will be used to notify you that it is your turn to speak.
 - c. When the Mayor calls for the item on which you wish to speak, click on "raise hand." Speakers will be notified shortly before they are called to speak.
 - d. When called, please limit your remarks to the time limit allotted.

- Call to Order and Roll Call

9:30 a.m.- Closed Session, Call to Order

1) By phone (888) 475-4499. Webinar ID is 322 652 101 Click *9 to raise a hand to speak.

2) By online: <https://zoom.us/j/322652101>

Open Session, Labor Negotiations Update (See Item 3.2)

Adjourn to Closed Session

See Separate Agenda

[20-023](#)

Closed Session Agenda

Attachments [Closed Session Agenda](#)

1:30 p.m.- Regular Session

- Invocation (District 4)

- Pledge of Allegiance

- Orders of the Day

To be heard after Ceremonial Items

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

- Closed Session Report

To be heard after Ceremonial Items

1. CEREMONIAL ITEMS

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item may be removed from the Consent Calendar and considered separately.

2.1 Approval of City Council Minutes.

20-460**Approval of City Council Minutes.****Recommendation:**

- (a) Regular City Council Meeting Minutes of August 6, 2019.
 - (b) Regular City Council Meeting Minutes of August 27, 2019.
 - (c) Regular City Council Meeting Minutes of March 17, 2020.
 - (d) Regular City Council Meeting Minutes of March 24, 2020.
 - (e) Regular City Council Meeting Minutes of April 1, 2020.
- CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action.

Attachments

- (a) 8/6/19 COUNCIL MINUTES
- (b) 8/27/19 COUNCIL MINUTES
- (c) 3/17/20 COUNCIL MINUTES
- (d) 3/24/20 COUNCIL MINUTES
- (e) 4/1/20 SPECIAL COUNCIL MINUTES

2.2 Final Adoption of Ordinances.

[20-466](#)**Final Adoption of Ordinances.****Recommendation:**

(a) Ord No. 30386 - An Ordinance of the City of San José Retroactively Suspending Late Payment Charges for City-Provided Water Service Billed on a Bi-Monthly Basis and Multi-Family Dwelling Solid Waste Collection Service Billed on a Monthly Basis, with Due Dates Ranging from March 17, 2020 through June 30, 2020.

[Passed for Publication on 4/7/2020 - Item 2.12 (20-407)]

(b) Ord No. 38387 - An Ordinance of the City of San José Levying Special Taxes within Community Facilities District No. 8 (Communications Hill).

[Passed for Publication on 4/7/2020 - Item 2.16(b) (20-389)]

(c) Ord No. 30391 - An Uncodified Ordinance of the City of San José Enacting Temporary Sick-Leave Requirements for Certain Private Employers for the Duration of the Current COVID-19 Health Emergency.

[Passed for Publication on 4/7/2020 - Item 3.4(b) (20-437)]

(d) Ord No. 30394 - An Ordinance of the City of San José Certain Real Property of Approximately 7.22 Gross Acres Situated on the Northwest Corner of Metro Drive and North First Street (25, 101, and 181 Metro Drive) (APN: 230-29-084) From The A(PD) Zoning District (File No. PDC84-076) to the IP Industrial Park Zoning District.

[Passed for Publication on 4/7/2020 - Item 10.1(a) (20-402)]

Attachments [\(c\) Ordinance](#)**2.3 Approval of Council Committee Minutes.****2.4 Mayor and Council Excused Absence Requests.****2.5 City Council Travel Reports.****2.6 Report from the Council Liaison to the Retirement Boards.**

- 2.7 [20-454](#) **Amendment to Agreement with Hanson Bridgett LLP for Legal Services Related to *Preservation of Benefit Plan Retirees Association, et al v. City of San José, et al.***

Recommendation: Adopt a resolution authorizing the City Attorney to negotiate and execute a Sixth Amendment to the agreement with Hanson Bridgett LLP for legal services related to Preservation of Benefit Plan Retirees Association, et al v. City of San José, et al, to increase the compensation by \$500,000, for a total amount not to exceed \$1,900,000.

CEQA: Not a Project, File No. PP17-003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment. (City Attorney)

[Deferred from 3/17/2020 - Item 2.7 (20-273); and 3/24/2020 - Item 2.12 (20-353)]

Attachments [Memorandum](#)

2.8 [20-455](#) **Amendment to the Agreement with AST LLC for a Service Request Management/Customer Relationship Management Software Solution.**

Recommendation:

Adopt a resolution authorizing the City Manager to:

(a) Negotiate and execute the Second Amendment to the Agreement with Applications Software Technology (“AST”) LLC (Naperville, IL) for a Service Request Management/Customer Relationship Management Software Solution (now known as San José 311, formally My San José) to increase the compensation by

\$777,500 for Spanish and Vietnamese translation integration, Recycle Plus service delivery, architectural remediations, and related technical services for the San José 311 website and mobile application for a total contract maximum compensation of \$1,416,983 during the initial term ending November 30, 2021; and

(b) Increase the contingency by \$50,000 to cover any additional in-scope changes or requirements to the agreements with AST LLC and Oracle America, Inc. for the SRM/CRM Software Solution for a total contingency not to exceed \$250,000 during the initial terms, subject to the appropriation of funds.

CEQA: Not a Project, File No. PP17 003, Agreements/Contracts (New or Amended) resulting in no physical changes to the environment.

(Finance/Information Technology/City Manager)

[Deferred from 4/14/2020 - Item 2.8 (20-422)]

Attachments [Memorandum](#)
[Resolution](#)

2.9 [20-458](#) **Actions Related to the 2019 Edward Byrne Memorial Justice Assistance Grant Spending Plan.**

- Recommendation:**
- (a) Approve the proposed Spending Plan for the 2019 Edward Byrne Memorial Justice Assistance Grant in the amount of \$290,587.
 - (b) Adopt a resolution accepting the 2019 Edward Byrne Memorial Justice Assistance Grant in the amount of \$290,587 and authorize the City Manager to negotiate and execute the Grant Agreement and all related documents for the grant award received from the U.S. Department of Justice without further City Council action.
 - (c) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Edward Byrne Memorial Justice Assistance Grant Trust Fund:
 - (1) Increase the estimate for Revenue from Federal Government in the amount of \$290,587; and
 - (2) Establish an appropriation to the Police Department for the 2019 Justice Assistance Grant (JAG) in the amount of \$290,587.
- CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Police/City Manager)

Attachments [Memorandum](#)
[Resolution](#)

2.10 [20-456](#) **2020 Local Streets Remove and Replace Asphalt Concrete Pavement Project.**

- Recommendation:**
- (a) Approve award of a construction contract for the 2020 Local Streets Remove and Replace Asphalt Concrete Pavement Project, to the low bidder, O'Grady Paving, Inc., in the amount of \$2,515,471.
 - (b) Approve an approximate ten percent contingency in the amount of \$251,500.
- CEQA: Categorically Exempt, File No. PP18-029, CEQA Guidelines Section 15301(c), Existing Facilities. (Transportation)

Attachments [Memorandum](#)

2.11 [20-485](#) **Approval of Stress Awareness Month Sponsored by Council District 8 as a City Council Sponsored Special Event to Expend City Funds and Accept Donations of Materials and Services for the Event.**

Recommendation: As recommended by the Rules and Open Government Committee on April 15, 2020:
(a) Approve the Stress Awareness Month scheduled on April 21, 2020 as a City Council sponsored Special Event and approve the expenditure of funds; and
(b) Approve and accept donations from various individuals, businesses, or community groups to support the event.
CEQA: Not a Project, File No. PP17-011, Temporary Special Events resulting in no changes to the physical environment. (Arenas)
[Rules Committee referral 4/15/20 - Item G.1.a]

Attachments [Memorandum](#)

2.12 [20-486](#) **Modify City Sunshine Resolution and Procedures for Agenda Items Submitted After Rules Committee.**

Recommendation:

As recommended by the Rules and Open Government Committee on April 15, 2020:

Adopt a resolution repealing and replacing Resolution No. 79450 (modifying public meetings, noticing, and document posting in the City’s Sunshine Procedures), to:

- (a) Allow only the City Manager-not Mayor and Council Offices-to request the City Clerk place an item on the City Council Agenda after the date of the hearing of the Rules Committee, but at least 72 hours prior to the meeting, in compliance with the Council Rules of Conduct Resolution No. 79367 Rule 3(d), which requires 2/3 vote of Council to add items after Rules; and
- (b) Allow Councilmembers and the Mayor to have the City Clerk place an item on the City Council Agenda under Orders of the Day after the date of the hearing of the Rules Committee, but at least 72 hours prior to the meeting, if the Clerk utilizes the procedures authorized in Consolidated Open Government and Ethics Resolution (“Sunshine Resolution”) No. 77135, Section 2.3.2.1.E to allow items to be so added if the Mayor, City Manager, and City Attorney concur that the item requires immediate action, and Council authorizes its addition by a 2/3 vote.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.

(Mayor)

[Rules Committee referral 4/15/20 - Item G.2]

Attachments [Memorandum from the Mayor](#)
[Resolution](#)

2.13 [20-487](#) **Resolution Condemning Xenophobia Against the Asian Pacific Islander Community Stemming from the COVID-19 Crisis and Related Actions.**

Recommendation: As recommended by the Rules and Open Government Committee on April 15, 2020:

(a) Adopt a resolution condemning all xenophobic and discriminatory behavior towards the Asian Pacific Islander ("API") Community arising from the COVID-19 pandemic and affirm the well-being and safety of the API community.

(b) Direct the City Manager to solicit recommendations from community-based and social justice organizations to inform the City's strategies to combat xenophobia related to COVID-19.

CEQA: Not a Project, File No. PP17-010, City Organizational and Administrative Activities resulting in no changes to the physical environment. (Mayor/Jones/Diep)
[Rules Committee referral 4/15/20 - Item G.4]

Attachments [Memorandum](#)
[Resolution](#)
[Memorandum from Mayor, Jones & Diep, 4/14/2020](#)
[Letter from Assemblymember Kalra](#)
[Letters from the Public](#)

3. STRATEGIC SUPPORT

3.1 Report of the City Manager, David Sykes (Verbal Report)

[20-453](#) (a) City Manager's COVID-19 Update (Verbal Report)
(b) City Manager's Report on Other City Matters (Verbal Report)
TO BE HEARD BEFORE CONSENT

Attachments [Presentation](#)

3.2 Labor Negotiations Update.

Accept Labor Negotiations Update.
TO BE HEARD AT 9:30 A.M.

3.3 [20-457](#) **Update on Digital Access and Inclusion for Schools during COVID-19.**

Recommendation: Accept the report on Digital Access and Inclusion for schools during the COVID-19 pandemic.
CEQA: Not a Project, File No. PP17-009, Staff Reports, Assessments, Annual Reports, and Informational Memos that involve no approvals of any City action. (City Manager)

Attachments [Memorandum](#)
[Presentation](#)
[Memorandum from Arenas, Carrasco, and Esparza, 4/17/20](#)
[Memorandum from Vice Mayor Jones, 4/20/2020](#)

4. PUBLIC SAFETY SERVICES**5. TRANSPORTATION & AVIATION SERVICES****6. ENVIRONMENTAL & UTILITY SERVICES****7. NEIGHBORHOOD SERVICES****8. COMMUNITY & ECONOMIC DEVELOPMENT**

- 8.1 [20-488](#) **Urgency Ordinance and Companion Ordinance for Temporary Rent Freeze on all new Rent Increases for Rent Stabilized Apartments and Mobile Homes.**

Recommendation:

(a) Adopt an urgency ordinance that establishes a moratorium on rent increases for tenants residing in rent stabilized apartments and mobilehome owners and mobilehome residents residing in mobilehomes subject to rent control. Specifically, the ordinance would:

- (1) Invoke the urgency provisions in the City Charter, as an emergency measure for immediate preservation of the public peace, health or safety, to temporarily prohibit the eviction of a tenant for nonpayment of rent, if that tenant meets the criteria listed in the ordinance regarding COVID-19;
- (2) Prohibit rent increases through December 31, 2020;
- (3) Apply the moratorium to rent increases that went into effect on or after April 1, 2020;
- (4) Provide that a landlord and tenant, mobilehome resident, or mobilehome owner can enter into a voluntary short-term agreement, without changing other terms of the rental contract, to temporarily reduce the rent through the term of the Ordinance, or shorter period as agreed-upon by the parties;
- (5) Deny tenant service reduction claims related to temporary closure or elimination of recreational common area amenities to comply with County or State public health orders related to COVID-19;
- (6) Suspend of late fees for unpaid Apartment Rent Ordinance Program fees; and
- (7) Waive building/repair maintenance permit fees for rental properties with 20 or fewer units.

PLEASE NOTE: APPROVAL OF THIS URGENCY
ORDINANCE REQUIRES 8 OR MORE AFFIRMATIVE VOTES

(2/3)

(b) Approve an ordinance that establishes a moratorium on rent increases for tenants residing in rent stabilized apartments and mobilehome owners and mobilehome residents residing in mobilehomes subject to rent control. Specifically, the ordinance would:

- (1) Prohibit rent increases through December 31, 2020;
- (2) Apply the moratorium to rent increases that went into effect on or after April 1, 2020;
- (3) Provide that a landlord and tenant, mobilehome resident, or mobilehome owner can enter into a voluntary short-term agreement, without changing other terms of the rental contract, to temporarily reduce the rent through the term of the Ordinance, or shorter period as agreed-upon by the parties;
- (4) Deny tenant service reduction claims related to temporary

closure or elimination of recreational common area amenities to comply with County or State public health orders related to COVID-19;

(5) Suspend of late fees for unpaid Apartment Rent Ordinance Program fees; and

(6) Waive building/repair maintenance permit fees for rental properties with 20 or fewer units.

CEQA: Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.

(Housing)

[Rules Committee referral 4/15/20 - Item A.1.a]

Attachments [Memorandum](#)

[\(a\) Ordinance](#)

[\(a\) Alternate Ordinance](#)

[\(b\) Ordinance](#)

[\(b\) Alternate Ordinance](#)

[Letters from the Public 1 of 2](#)

[Letters from the Public 2 of 2](#)

8.2 [20-489](#)

Actions Related to the Homeless Housing Assistance and Prevention Grant from the State of California.

Recommendation:

- (a) Adopt a resolution authorizing the City Manager or his designee:
- (1) To accept the Homeless Housing, Assistance and Prevention ("HHAP") grant award of \$23,832,510.94 from the State of California to fund emergency and crisis intervention services for the homeless and negotiate and execute related documents to accept these grant funds without further City Council action;
 - (2) To negotiate and execute a second amendment to the grant agreement with Habitat for Humanity dated June 3, 2019 to increase the grant amount by up to an additional \$6,000,000 for a total amount of \$11,100,600 to develop and construct an additional site located on Monterey and Bernal for emergency bridge housing or emergency shelters;
 - (3) To negotiate and execute a Third Amendment to the grant agreement that was transferred to Destination: Home SV by Asset Transfer Agreement dated November 28, 2017, to increase the grant amount by \$3,000,000 for a total of \$5,179,129, to continue implementing the Employment Initiative and Homelessness Prevention System for homeless individuals and families through June 30, 2021; and
 - (4) To negotiate and execute a third amendment to the grant agreement with Bill Wilson Center dated August 15, 2017, increasing the maximum amount of compensation by \$2,000,000 from \$2,179,129 to \$4,179,129 to provide housing and supportive services to homeless youth ages 18 to 25 through their Transition in Place program through June 30, 2020.
- (b) Adopt a resolution finding that the expenditures in connection with the COVID-19 emergency for the purposes of procuring, developing and constructing emergency bridge housing communities, emergency interim shelters or emergency shelters are deemed by the Council to be of urgent necessity for the preservation of life, health, or property and that such expenditures and contracts are exempted from Charter bidding and procurement requirements pursuant to Section 1217(i)(5) of the City Charter.

PLEASE NOTE: PER CHARTER SECTION 1217(i)(5), APPROVAL OF THIS URGENCY RESOLUTION REQUIRES 8 OR MORE VOTES

- (c) Adopt the following Appropriation Ordinance Amendments in the Emergency Reserve Fund:
- (1) Establish a Transfer to the Multi-Source Housing Fund in the amount of \$3,919,821; and
 - (2) Decrease the COVID-19 Emergency Response appropriation by

\$3,919,821.

(d) Adopt the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Multi-Source Housing Fund:

(1) Increase the estimate for Revenue from the State of California by \$23,832,511;

(2) Increase the estimate for Transfers and Reimbursements by \$3,919,821;

(3) Establish a SB89 COVID-19 Emergency appropriation to the Housing Department in the amount of \$3,919,821;

(4) Establish an Emergency Shelters appropriation to the Housing Department in the amount of \$17,232,511;

(5) Increase the Homelessness Prevention System appropriation to the Housing Department by \$3,000,000;

(6) Establish a Homeless Youth appropriation to the Housing Department in the amount of \$2,000,000; and

(7) Establish a Grant Administration appropriation to the Housing Department in the amount of \$1,600,000.

CEQA: Pursuant to Governor's Order N-352-20, CEQA, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are suspended for any project using Homeless Emergency Aid Program funds, Homeless Housing, Assistance, and Prevention Program funds, or funds appropriated in Senate Bill 89, signed on March 17, 2020. The above listed projects will use Homeless Housing, Assistance, and Prevention Program funds. (Housing/City Manager)

[Rules Committee referral 4/15/20 - Item A.1.a]

Attachments [Memorandum](#)

[Presentation](#)

[\(a\) Resolution](#)

[\(b\) Resolution](#)

[Memorandum from Jimenez, 4/20/2020](#)

[Memorandum from the Mayor, 4/21/2020](#)

[Letters from the Public 1 of 3](#)

[Letters from the Public 2 of 3](#)

[Letters from the Public 3 of 3](#)

[Public Comment received during meeting](#)

8.3 [20-490](#) **Actions Related to the Temporary Sheltering Operations and Services for COVID-19 Emergency Response.**

Recommendation:

Adopt a resolution authorizing the City Manager or designee to negotiate and execute the following agreements and amendments for increased or additional temporary sheltering operation services necessary for COVID-19 emergency response, with any necessary ancillary documents, retroactive to March 16, 2020:

(a) Second amendment to the Overnight Warming Location grant agreement with HomeFirst Services of Santa Clara County, adding locations, increasing hours and increasing the maximum amount of compensation by \$2,850,860 from \$1,484,180 to \$4,335,040 at the following City facilities:

- (1) Bascom Community Center and Library, 1000 S. Bascom Avenue;
- (2) Southside Hall, 435 S. Market Street;
- (3) Parkside Hall, 180 Park Avenue; and
- (4) Camden Community Center, 3369 Union Avenue.

(b) First amendment to the Bridge Housing Community grant agreement with HomeFirst Services of Santa Clara County in the amount of \$3,178,000, with no increase in funding, at the Maybury Road bridge housing site to allow emergency placement of vulnerable persons at the site during the COVID-19 emergency;

(c) Third amendment to the lease between the City and Allied Services to allow up to 23 units, at the Plaza Hotel located at 96 S. Almaden Avenue, to be used for emergency placement of vulnerable persons during the COVID-19 emergency and making amendments to the method of compensation for the emergency placement, without adding funding; and

(d) Third amendment to the Rapid Rehousing grant agreement with The Health Trust in the amount of \$7,752,235, with no increase in funding, and make amendments as needed for subsidizing emergency placements and FEMA reimbursement.

CEQA: Statutorily Exempt, File No. ER20-081 CEQA Guidelines Section 15269, Emergency Projects, Section (c) Specific actions necessary to prevent or mitigate an emergency. (Housing)
[Rules Committee referral 4/15/20 - Item A.1.a]

Attachments

[Memorandum](#)

[Presentation](#)

[Letters from the Public](#)

[Public Comment received during meeting](#)

8.4 [20-491](#) **Substantial Amendments to the Fiscal Year 2015-2020 Consolidated Plan
and 2019-2020 Annual Action Plan.**

Recommendation:

- (a) Hold a Public Hearing to allow for public comment.
- (b) Adopt a resolution relating to the following actions regarding the spending plans for funds awarded by the U.S. Department of Housing and Urban Development ("HUD") to the City, including additional funds allocated to the City by HUD for COVID-related uses:
 - (1) Approve a Substantial Amendment to the City's FY 2015-20 Consolidated Plan to add Job Retention as an eligible activity under the Community Development Block Grant ("CDBG") Community Development Investment ("CDI") category.
 - (2) Approve the following relating to Substantial Amendments to the FY 2019-20 Annual Action Plan to:
 - (i) Add Job Retention as an eligible activity under the CDBG CDI category;
 - (ii) Allocate CDBG CDI funding for emergency job creation and retention loans to microenterprises in the amount of \$2,500,000 to the Opportunity Fund, and authorize the Director of Housing to negotiate terms and conditions and execute a Subrecipient Agreement with the Opportunity Fund;
 - (iii) Award \$1,200,000 of CDBG Public Services funding for City food services to Loaves and Fishes, and authorize the Director of Housing to negotiate and execute a sole source agreement with Loaves and Fishes;
 - (iv) Allocate \$2,000,000 of CDBG Public Services category funding for emergency hotel/motel vouchers for families to LifeMoves, and authorize the Director of Housing to negotiate and execute an amendment to the current LifeMoves contract relating to these additional funds;
 - (v) Allocate \$519,000 of CDBG CDI funding to fund operations costs for emergency shelters established by the City;
 - (vi) Reduce CDBG Public Services category funding to the San José Housing Rights Consortium ("Consortium") to provide Legal Services for Low-income Tenants by \$125,000, from \$500,000 to \$375,000 and authorize the Director of Housing to negotiate and execute an amendment to the current contract with the Consortium relating to this reduction in funding;
 - (vii) Increase CDBG CDI funding to Rebuilding Together Silicon Valley to provide the Emergency and Minor Repair Program for single family homes by \$400,000, from \$1,650,000 to \$2,050,000, and authorize the Director of Housing to negotiate and execute an amendment to the current Rebuilding Together contract relating to these additional funds;

(viii) Reduce CDBG CDI funding for Code Enforcement to provide enhanced code enforcement services by \$404,074, from \$1,102,037 to \$697,963;

(ix) Program and authorize \$5,263,414 in CDBG funding made available by the Coronavirus Aid, Relief, and Economic Security Act ("CARES") to provide emergency shelter costs, hotel/motel vouchers, and COVID-related staffing costs;

(x) Program and authorize \$2,683,479 in Emergency Solutions Grant (ESG) funding made available by the CARES Act to provide

emergency shelter costs, rapid rehousing services including hotel/motel vouchers, homelessness prevention services, and COVID-related staffing costs;

(xi) Program and authorize \$209,618 in Housing Opportunities for Persons with AIDS ("HOPWA") funding made available by the CARES Act to the Health Trust to provide additional housing assistance to people living with HIV/AIDS, and authorize the Director of Housing to negotiate and execute an amendment to the Health Trust's current contract relating to these additional funds.

(3) Authorize the City's Housing Department to submit the Substantial Amendments to the U.S. Department of Housing and Urban Development.

(c) Adopt the following Appropriation Ordinance and Funding Sources amendments in the Community Development Block Grant Fund:

(1) Increase the estimate for Revenue from the Federal Government by \$5,263,414;

(2) Decrease the Neighborhood Infrastructure Improvements appropriation to the Housing Department in the amount of \$5,695,926;

(3) Decrease the Code Enforcement Operations appropriation to the Planning, Building and Code Enforcement Department by \$404,074;

(4) Increase the Housing Emergency and Minor Repair Program appropriation to the Housing Department by \$400,000;

(5) Establish a CARES Act appropriation to the Housing Department in the amount of \$5,263,414;

(6) Establish a City Food Services appropriation to the Housing Department in the amount of \$1,200,000;

(7) Establish an Emergency Housing Vouchers appropriation to the Housing Department in the amount of \$2,000,000; and

(8) Establish a Microenterprise Loans appropriation to the Housing Department in the amount of \$2,500,000.

(d) Adopt the following Appropriation Ordinance and Funding Sources

Resolution amendments in the Multi-Source Housing Fund:

- (1) Increase the estimate for Revenue from Federal Government by \$2,893,097;
- (2) Establish a CARES Emergency Shelter Grants appropriation to the Housing Department in the amount of \$2,683,479; and
- (3) Establish a CARES HOPWA Grants appropriation to the Housing Department in the amount of \$209,618.

CEQA: Not a Project, File No. PP17-004, Government Funding Mechanism or Fiscal Activity with no commitment to a specific project which may result in a potentially significant physical impact on the environment. (Housing)

[Rules Committee referral 4/15/20 - Item A.1.a]

Attachments [Memorandum](#)
[Presentation](#)
[Resolution](#)
[Letters from the Public](#)
[Public Comment received during meeting](#)

9. REDEVELOPMENT – SUCCESSOR AGENCY

10. LAND USE

Notice to the public: There will be no separate discussion of Land Use Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Land Use Consent Calendar (Item 10.1) and considered separately.

10.1 Land Use on Consent Calendar

No Land Use items on Consent Calendar.

END OF CONSENT CALENDAR

10 Land Use - Regular Agenda

- Notice of City Engineer's Pending Decision on Final Maps

FOR RECEIPT:

Tract: 10538

Location: S/S of Prune Way and Olsen Drive and N/S of 280-Junipero Serra Freeway, 1,000' west of Winchester Boulevard.

District: 1

Lots/Units: 21/224

Type: MFA

Developer: Pulte Group

- Open Forum

Members of the Public are invited to speak on any item that does not appear on today's Agenda and that is within the subject matter jurisdiction of the City Council.

- Adjournment

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions: § No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any discussion item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak. Speakers using a translator will be given twice the time allotted to ensure non-English speakers receive the same opportunity to directly address the Council, Committee, Board or Commission.
- c) Speakers should discuss topics related to City business on the agenda.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.